

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Chad A. Moore,

Plaintiff,

v.

Case No. 2:16-cv-41

Licking County Sheriff's
Office, et al.,

Defendants.

ORDER

Plaintiff, a state prisoner, filed this action under 42 U.S.C. §1983 against several the Licking County Sheriff's Office, Licking County Detective Kyle Boerstler, the Licking County Prosecutor's Office, Licking County Prosecutor Brian Moore, the Licking County Common Pleas Court, and Judge Thomas Marcelain. By order dated February 9, 2016, the court adopted the report and recommendation of the magistrate judge and dismissed the claims against all defendants with the exception of the claim against Detective Boerstler. This matter is now before the court on the April 7, 2016, report and recommendation of the magistrate judge, which recommended that the court grant Detective Boerstler's motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim for which relief may be granted.

The report and recommendation specifically advised the parties that objections to the report and recommendation were due within fourteen days, and that the failure to object to the report and recommendation "will result in a waiver of the right to have the District Judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of

the District Court adopting the Report and Recommendation." Doc. 23, pp. 7-8. The time period for filing objections to the report and recommendation has expired, and no objections to the report and recommendation have been filed.

The report and recommendation (Doc. 19) is adopted. The motion to dismiss (Doc. 14) is granted, and the claim against Detective Boerstler is dismissed without prejudice. Plaintiff's motion to quash (Doc. 16) is denied.

Date: May 19, 2016

s/James L. Graham

James L. Graham
United States District Judge